

declares the House in recess until noon today.

Accordingly (at 11 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times, with many forces and interests demanding their attention.

Give them generosity to enter into their work. May they serve You in the work they do, as You deserve; give of themselves and not count the cost; fight for what is best for our Nation and not count the wounds; toil until their work is done and not seek to rest; and labor without seeking any reward, other than knowing they are doing Your will and serving the people of this great Nation.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. CLEAVER) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEAVER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE (H. DOC. NO. 112-44)

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives; which was read and, together with the accompanying document, referred to the Committee on House Administration and ordered to be printed:

HOUSE OF REPRESENTATIVES,

Washington, DC, July 19, 2011.

Hon. JOHN BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have received the following correspondence regarding the election of Janice Hahn to fill the vacancy of the 36th congressional district for the state of California. The correspondent was not a candidate for office and affirms that he is not eligible to contest the election under the law. As such, I forward the correspondence to the House for its disposal.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk.

Enclosure.

JULY 18, 2011.

Hon. KAREN L. HAAS,
Clerk of the House of Representatives,
Washington, DC.

DEAR MS. HAAS, I am protesting the election of Janice Hahn in the July 12, 2011 Special Election to fill the vacancy for the Thirty-Sixth Congressional District of California.

As I was not a candidate for this election, I am not eligible to challenge the election under the preferred method specified by the Federal Contested Elections Act. I am, however, eligible to protest the election according to Chapter 9 of Volume 2 of Deschler's Precedents of the United States House of Representatives which provides for a protest filed by "any other person" to be referred to the Committee on House Administration for investigation.

The House of Representatives has the constitutional authority to determine if a Member-elect is "duly elected." See *Powell v. McCormack* (1969). Further, the U.S. Supreme Court made it clear that the House of Representatives is the final authority to make "an unconditional and final judgment" in determining questions regarding the elections of Members of that body, and that the courts have no role in reviewing any such determination. See *Roudebush v. Hartke* (1972).

The election referenced above was not a valid election because it violated Article 1, Section 4, clause 1 of the Constitution:

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators."

The Manner of holding this special election was not prescribed by the California State Legislature, but rather through a ballot process which amended the State Constitution. Senate Bill 6 approved a ballot measure to be placed for consideration before the people of the State of California. This action did not prescribe the manner of elections. The people of the California, and not the legislature thereof, then prescribed the manner of holding elections by voting in favor of Proposition 14, which institutes a "top two primary system" within the California State Constitution. The merits and shortcomings of this particular system are irrelevant to

the constitutional question being raised. The process by which this system was prescribed is a direct violation of both the letter and the spirit of the U.S. Constitution.

Further, since Proposition 14 instituted the election process within the state constitution, the state legislature is not able to specify a different process, should it so choose. This is also a direct violation of both the letter and the spirit of the U.S. Constitution. Finally, choosing the manner of holding elections is not a duty that can be delegated directly to the legislature. Such delegation would violate both the previously mentioned clause as well as Article 4, Section 4 of the Constitution:

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence."

As such, any election held under this process, which was not prescribed by the legislature of California, is not valid and the office should remain unfilled until such time as a constitutional election can take place.

Respectfully,

TONY DETORA.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

AMERICA'S JOBLESSNESS

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Alabama. Mr. Speaker, this country has a real problem with jobs, or the lack of jobs, and our economy. It's what we in the Congress need to be debating solutions to resolve. Instead, we're having to argue with the President about our debt ceiling.

The President is refusing to cut spending that every American knows we have to do unless he gets tax increases. And he's threatening to withhold Social Security checks from seniors to get his way. I think that's shameful, and he's going to have to answer for that one day. But right now, we've got a solution in the House, the Republicans do, called Cut, Cap, and Balance, that will limit spending to a level that we can afford in a responsible way without new taxes.

We're urging the President to do something big. He says he wants to do something big about our debt problem. This is the solution. We urge him to work with us and not demand new taxes. And once he will do that, we can turn to some meaningful things that will help improve the job situation, which, by the way, is at 9.2 percent unemployment and going in the wrong direction. We can do some things, like getting the regulators off our community banks so that small businesses can have access to capital, and shrinking the size of EPA and OSHA and NLRB, which are bloated in their infrastructure and are just stifling jobs in America. We have a lot of things we can do. But first, we've got to get our spending under control.

I urge my colleagues to vote for Cut, Cap, and Balance.

CUT, CAP, AND BALANCE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to the drastic cuts to Social Security, Medicare, and other crucial Federal programs that passage of the Cut, Cap, and Balance Act would force upon the American people. The Cut, Cap, and Balance Act takes our Nation closer to default by holding the debt ceiling hostage until Congress passes a constitutional amendment to limit total Federal spending to 18 percent of our gross domestic product.

The last time Federal spending was below 18 percent of the gross domestic product was 1966, when the median age was nearly 8 years younger and the average cost of health care was one-fifth of what it is today. Even under President Ronald Reagan, Federal spending averaged over 22 percent of gross national product. Though this legislation may claim to exempt many Federal programs from its spending limitations, there is almost no possible way to revert Federal spending back to 1960s levels without sharp cuts to every program, including Social Security and Medicare. Even the FY 2012 budget that the House Republican majority passed in April, which would dismantle Medicare as we know it, allowed for Federal spending to be above 20 percent of the gross domestic product.

I urge my colleagues on both sides to vote to support America's retirees, veterans, and children and oppose this dangerous legislation.

CONTROL THE ATF, NOT GUNS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, under the ATF's Operation Fast and Furious, straw purchasers bought and sold guns to Mexican drug cartels while the ATF watched. It is hard to understand why the ATF is complicit in the drug smuggling business. Maybe the government hoped it would lead to more gun control, but unfortunately, it led to murder.

Border Patrol agent Brian Terry and ICE agent Jaime Zapata were killed by guns that were trafficked into Mexico under this operation. Rather than investigate this ill-conceived and dangerous operation, the Federal Government is doing what it does best, creating gun control regulations to solve a problem it created. The President's new discriminatory Executive order requires border States to report purchases of two or more rifles to the ATF, the very agency that purposely and incompetently let over 2,000 guns go to Mexico, 1,400 of which are still

missing. This administration ignores the obvious. It's not the gun; it's the shooter. And in this case, it's the Federal Government's recklessness and stupidity that led to at least two murders. It's time to control the ATF, not guns.

And that's just the way it is.

COMMEMORATING COLOMBIAN INDEPENDENCE DAY

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to honor and recognize the rich history of Colombia as we mark Colombian Independence Day on July 20. We honor the people of Colombia and those individuals of proud Colombian descent who are celebrating more than 200 years of independence.

Colombians have been immigrating to Rhode Island for the past 50 years, and I would like to thank them for their great contributions to our State. Simon Bolivar led the people of Colombia in the first raising of their flag, signifying their sovereignty and the birth of one of the most culturally rich nations in all of Latin America. Today we celebrate a great country, its people, their traditions, and the mark they have made on cities like Central Falls, Providence, and Pawtucket, Rhode Island, and others, adding to the vibrancy of these communities. For that alone, I am proud to honor your heritage and the difference you have made.

And as I pay tribute to the people of the great Nation of Colombia, I also want to, again, extend my thoughts and sympathies to Colombians everywhere for the suffering that continues to occur because of the floods in your country. May we continue to be inspired to support the people of Colombia through this difficult time as we celebrate Colombian Independence Day and honor the enormous contributions of Colombian Americans.

□ 1210

CUT, CAP, AND BALANCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today we will have the opportunity to vote for a solution on the impending debt ceiling issue in Washington. The Cut, Cap, and Balance Act of 2011 will cut \$111 billion of spending next year; it will cap the total Federal spending for the next 10 years; and, finally, it will require the passage of a balanced budget amendment before raising the national debt limit.

This year the Federal Government will spend twice the amount it spent just 10 years ago. The government has a spending problem. It is not a lack of revenue, and it must be addressed to protect senior citizens.

Where are the liberals' plans? It's been over 800 days since the liberals passed a budget in the Senate.

The President's failed plan does not cut spending. Instead, it just raises taxes in a recession, killing jobs.

I hope both parties can come together to enact the Cut, Cap, and Balance Act, which I am grateful to have cosponsored to benefit the young people of our country.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

WHERE ARE THE JOBS?

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, last year my Republican colleagues ran their campaign on the slogan: "Where are the jobs?" It's been 28 weeks since the Republicans took control of the House, and the question still remains: Where are the jobs?

We all know that the Bush tax for the wealthy failed to create new jobs. They fooled the public once. It ain't going to happen again.

Now, instead of working to create jobs, Republicans are holding our country hostage, taking the debt limit talks to the brink.

Under the Republican budget proposal, seniors will lose guaranteed medical benefits, have their out-of-pocket medical expenses double. The Republican plan will reopen the Medicare doughnut hole area, costing 4 million seniors an additional \$2.2 billion. It's wrong to make our seniors suffer to give a tax break to the ultrarich and corporations that ship jobs overseas.

No new taxes, no new jobs. No taxes, no jobs. No taxes, no jobs.

Let's put together a plan that lowers our deficit without doing it on the backs of our seniors and the middle class.

CO-OP DEFAULTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, would you invest in a company if there were a 40 percent chance that you would lose all of your money? That doesn't sound like much of an investment. Most people would call that gambling. But that is exactly what the Federal Government is about to do in setting up the new ObamaCare health care co-ops.

The Department of HHS will loan more than \$4 billion in the coming years as an attempt to set up at least one co-op in each State. They project that 40 percent of the loans given out to plan the co-ops will go into default. 35 percent of the loans to keep the co-ops solvent are also projected to go into default. This could add up to billions of dollars lost.

We raised taxes by more than \$1 trillion so that we could burn it away on